

Remarks / Arguments

Reconsideration of the present invention in view of the above amendments and the following remarks is respectfully requested.

In the present Office Action, claims 1-31 are rejected under 35 USC § 112, ¶ 2 as allegedly being indefinite because claims 1, 21, and 27 contain the claim term “for one or more temperatures”. While Applicants respectfully disagrees with the Examiner’s assertion, Applicants have amended claims 1, 21, and 27 to recite “at one or more temperatures.” Support for this amendment is provided, for example, in the specification at paragraph [0023] and Examples 1-13 (excluding Comparative Examples A through I) and Table I. Applicants note that the amendments were made to clarify the subject matter of the claim and were not in response to a prior art citation.

Claims 11 and 14 are rejected under 35 USC § 112, ¶ 2 as allegedly being indefinite by “referring to ammonia as an “ammonium ion source”, since ammonia would be an ammonia source but not an ammonium ion source.” Applicant respectfully disagrees with the Examiner’s assertion that claims 11 and 14 are indefinite because ammonia is referred to as an ammonium ion source. It is well recognized that Applicants can be their own lexicographers. A claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is being sought. *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971). If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, 35 USC § 112, ¶ 2 demands no more. *Shatterproof Glass Corp. v. Libbey Owens Ford Co.*, 758 F. 2d 613, 225 USPQ 634 (Fed. Cir. 1985). Applicants maintain that the term “ammonia” as an ammonium ion source in claims 11 and 14 is sufficiently clear in view of the specification and in the definition and usage of the word “source”. Webster’s defines the term “source” as “1 a: a generative force: CAUSE; b (1): a point of origin or procurement: BEGINNING (2): one that initiates.” In this connection, ammonia within the reaction mixture readily attracts hydrogen thereby forming an ammonium ion. Support for the use of ammonia as an ammonium ion source is provided, for example, in the specification at paragraph [0016] through [0019], Examples 11 and 13, and Table I.

Claims 1, 11, and 18 were amended herein to correct various clerical errors. Claim 1 was amended to recite “perfluorocarbon fluid” rather than “perfluorocarbon compound”.

Support for this amendment is provided, for example, in the specification at paragraph [0012]. Claims 11 and 18 were amended to remove duplicate recitations of ammonium ion sources " NH_4NO_3 " and " $(\text{NH}_4)_3\text{PO}_4$ ". The foregoing amendments were made to clarify the subject matter of the claim and were not in response to a prior art citation.

Applicant respectfully traverses the §103(a) rejection of claims 1-11, 14 and 17-31 as allegedly being unpatentable over JP 3-170307 because the Examiner has failed to establish a *prima facie* case of obviousness. JP 3-170307 is not properly citable as a reference to establish obviousness because the modification to the reference would destroy the intent, purpose, or function of the process described in the reference. Further, the mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.

JP 3-170307 describes a process for preparing nitrogen trifluoride by reacting fluorine gas and ammonia gas in multiple dissolution columns. Referring to the figure, the fluorine gas is introduced to a perfluorocarbon liquid in column 1 which is then transferred by a pump to reaction column 2. According to the reference, the perfluorocarbon liquid which accumulates in the liquid reservoir of column 2 contains "little dissolved fluorine gas". If the JP 3-170307 is modified to introduce a solid rather than gaseous ammonia into reaction column 2, the solid ammonia source would settle to the bottom of the reaction column and not react with the fluorine gas that evolved from the perfluorocarbon liquid to form NF_3 . Because the modification would prevent the process described in JP 3-170307 from working for its intended purpose, JP 3-170307 would not render obvious Applicant's claimed invention. Accordingly, reconsideration and withdrawal of the §103 rejections of claims 1-11, 14 and 17-31 over JP 3-170307 is respectfully requested.

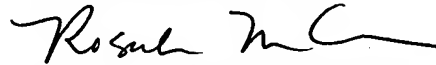
Claims 1-9, 11-13, 15, 16, and 21-31 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-27 of copending Application No. 10/299,482. Claims 1-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10/299,482. Applicants have filed an express abandonment of copending application in favor of the present application which accompanies the present response. In view of this, Applicants respectfully request the removal of the double patenting rejections of the claims.

SUMMARY

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned Attorney at the telephone number listed below.

Respectfully submitted,



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